

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

JEROME STEVENS PHARMACEUTICALS,
INC.,

Defendant.
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AMENDED
MEMORANDUM OF
DECISION AND ORDER
07-cv-02037-(ADS) (AKT)
07-cv-01985

APPEARANCES:

UNITED STATES DEPARTMENT OF JUSTICE

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SPATT, District Judge.

On May 17, 2007, the United States of America (the “Government” or the “Plaintiff”) filed a complaint against Jerome Stevens Pharmaceuticals (the “Defendant” or “Jerome”). The Government seeks an order, pursuant to Article 71 of the New York Civil Practice Law and Rules (“CPLR”), directing the Defendant to return a specific page of a Food and Drug Association (“FDA”) memorandum (“page seven”) that was allegedly inadvertently provided to the Defendant.

On January 29, 2008, this Court issued an Order granting the Government’s motion for an order of seizure and directing the Defendant to “return page seven, all copies of page seven and all materials derived from page seven or containing information from page seven.”

After a review of the Defendant’s February 8, 2008 letter requesting clarification of this Court’s January 29, 2008 Decision, the Court hereby amends that Decision as follows. The Defendant is directed to return or destroy page seven, all copies of page seven and all materials derived from page seven or containing information from page seven. Specifically, the Defendant may destroy, rather than return, materials derived from page seven or containing information from page seven, including attorney work product. The Defendant is directed to provide certification to the Government that all of the above information was destroyed.

SO ORDERED.

Dated: Central Islip, New York
February 14, 2008

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge